

ISSUE/OPTIONS
PROJECT: SB 20 Implementation

Issue:	<p>Title: Export Requirements for Covered Electronic Waste</p> <p>Brief Description of Issue (including scope): SB 20 requires exporters of covered electronic wastes to submit a notification and demonstrate compliance with applicable national, international, and OECD laws, standards and requirements. The demonstration requirements are not specified. It should be noted that the current hazardous waste regulations already require a notification for exports.</p>
Statute:	<p>Section #: PRC 42476.5</p> <p>Statutory Language: 42476.5. Except as provided in Section 42476.6, any person who intends to export covered electronic waste to a foreign destination shall comply with all of the following at least 60 days prior to export: (a) Notify the department of the destination, contents, and volume of covered electronic waste to be exported. (b) Demonstrate that the importation of covered electronic waste is not prohibited by any applicable law or regulation of the country of destination and that any import is conducted in accordance with all applicable laws. As part of this demonstration, required import and operating licenses shall be forwarded to the department. (c) Demonstrate that the exportation of covered electronic waste is conducted only in accordance with applicable international law. (d) Demonstrate that the management of the exported covered electronic waste will be handled within the country of destination in accordance with applicable rules, standards, and requirements adopted by the Organization for Economic Co-operation and Development for the environmentally sound management of electronic waste. (e) Demonstrate that the covered electronic waste is being exported for the purpose of reuse or recycling.</p>

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Option #1:	Description: Do nothing.
	Assumptions: The statutory language is sufficiently clear on export notification/demonstration requirements.
	Pros: - Does not require DTSC to adopt regulations.
	Cons: - Exporter and DTSC may both experience difficulty in complying (exporter) and determining - compliance (DTSC) with notification/demonstration requirements due to possible variability of submittals. - May raise compliance issues due to variability of submittals.

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Option #2:	Description: DTSC explores forms of documentation that can be submitted to demonstrate compliance and adopt regulations specifying those documents appropriate for notification/demonstration.
	Assumptions: <ul style="list-style-type: none">- Statute not detailed enough.- Authors intended stricter export controls for covered electronic wastes.
	Pros: <ul style="list-style-type: none">- Clarifies specific requirements for each notification/demonstration.- Allows for standardized submittals of notification/demonstrations by exporters.- Provides DTSC with consistent vehicle for enforcement purposes.
	Cons: <ul style="list-style-type: none">- Requires DTSC regulation development.

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Option #3:	Description: DTSC develop guidance documents recommending (but not requiring) several approaches exporters may utilize to fulfill the demonstration requirements, such as self- certifications, bilateral contracts, and letters from destination-recycling facilities.
	Assumptions: - Statute is sufficiently clear, but exporters may not know how to meet the notification/demonstration documents. (i.e., The exporters understand the new law contains a new export requirement, but they don't know exactly how to fulfill it.)
	Pros: - Exporters will be aware types of documents that may be submitted for notification/demonstration. - Not an underground regulation because not a requirement. - Allows DTSC to consider other forms of demonstration that may arise.
	Cons: - Legal questions if certifications allowed. - Inconsistent submittals since forms are recommendations and not requirements. - Exporter and DTSC may both experience difficulty in complying (exporter) and determining - compliance (DTSC) with notification/demonstration requirements due to possible variability of submittals.